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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 SALMON SPAWNING & RECOVERY
10 ALLIANCE, et al.,

11 Plaintiffs,

12 v.

13 CARLOS GUTIERREZ, et al.,

14 Defendants.

CASE NO. C05-1877SM

ORDER REGARDING
JOINT STATUS REPORT

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16 This case involving one or more claims which are exempt from the initial disclosure
17 requirements of FRCP 26(a), the Court orders as follows:

18 All counsel are directed to confer and provide the Court with a combined Joint
19 Status Report and Discovery Plan (the "Report") by **May 7, 2009**. This conference shall be by
20 direct and personal communication, whether that be a face-to-face meeting or a telephonic
21 conference. The Report will be used to set a schedule for the prompt completion of the case. It
22 must contain the following information by corresponding paragraph numbers:

- 23 1. A statement of the nature and complexity of the case.
24 2. A statement of which ADR method (mediation, arbitration, or other) should be
25 used. The alternatives are described in Local Rule CR 39.1 and in the ADR Reference Guide
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1 which is available from the clerk's office. If the parties believe there should be no ADR, the
2 reasons for that belief should be stated.

3 3. Unless all parties agree that there should be no ADR, a statement of when mediation
4 or another ADR proceeding under Local Rule CR 39.1 should take place. In most cases, the ADR
5 proceeding should be held within four months after the Report is filed. It may be resumed, if
6 necessary, after the first session.

7 4. A proposed deadline for joining additional parties.

8 5. A proposed discovery plan that indicates:

9 A. Whether discovery is appropriate given the nature of the controversy;

10 B. The subjects on which discovery may be needed and whether discovery
11 should be conducted in phases or be limited to or focused upon particular
12 issues;

13 C. What changes should be made in the limitations on discovery imposed under
14 the Federal and Local Civil Rules, and what other limitations should be
15 imposed;

16 D. A statement of how discovery will be managed so as to minimize expense
17 (*e.g.*, by foregoing or limiting depositions, exchanging documents
18 informally); and

19 E. Any other orders that should be entered by the Court under FRCP 26(c) or
20 under Local Rule CR 16(b) and (c).

21 6. The date by which the remainder of discovery, if any, can be completed.

22 7. Whether the parties agree that a full-time Magistrate Judge may conduct all
23 proceedings, including trial and the entry of judgment, under 28 U.S.C. § 636(c) and Local Rule
24 MJR 13. The Magistrate Judge who will be assigned the case is Judge James P. Donohue.
25 Agreement in the Report will constitute the parties' consent to referral of the case to the assigned
26 Magistrate Judge.

1 of receipt of service of each appearance. Plaintiff's counsel will be responsible for starting the
2 communications needed to comply with this Order.

3 **IV. ALTERATIONS TO ELECTRONIC FILING PROCEDURES**

4 Starting June 1, 2004, counsel shall be required to electronically file all documents with
5 the Court. Pro se litigants may file either electronically or in paper form. Information and
6 procedures for electronic filing can be found on the Western District of Washington's website at
7 www.wawd.uscourts.gov. The following alterations to the Electronic Filing Procedures apply
8 in all cases pending before Judge Martinez:

9 - Section III, Paragraph F - when the aggregate submittal to the court (i.e., the motion, any
10 declarations and exhibits, the proposed order, and the certificate of service) exceeds 50 pages in
11 length, a paper copy of the documents (with tabs or other organizing aids as necessary) shall be
12 delivered to the Clerk's Office for chambers. The chambers copy must be clearly marked with
13 the words "Courtesy Copy of Electronic Filing for Chambers."

14 **V. EARLY SETTLEMENT CONSIDERATION**

15 When civil cases are settled early -- before they become costly and time-consuming
16 -- all parties and the court benefit. The Federal Bar Association Alternative Dispute Resolution
17 Task Force Report for this district stated:

18 [T]he major ADR related problem is not the percentage of civil cases that
19 ultimately settle, since statistics demonstrate that approximately 95% of all cases
20 are resolved without trial. However, the timing of settlement is a major concern.
21 Frequently, under our existing ADR system, case resolution occurs far too late,
after the parties have completed discovery and incurred substantial expenditure of
fees and costs.

22 The judges of this district have adopted a resolution "approving the Task Force's
23 recommendation that court-connected ADR services be provided as early, effectively, and
24 economically as possible in every suitable case."

25 The steps required by this Order are meant to help achieve that goal while preserving the
26 rights of all parties.

1 If settlement is achieved, counsel shall notify Laurie Cuaresma or Lowell Williams, deputy
2 clerk, at 206-370-8521.

3 **VI. SANCTIONS**

4 A failure by any party to comply fully with this Order may result in the imposition of
5 sanctions.

6 DATED: March 27, 2009

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10 **RICARDO S. MARTINEZ**
11 **UNITED STATES DISTRICT JUDGE**
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